

**LAW OFFICES OF GABRIEL DEL VIRGINIA**

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK.**

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In re

Chapter 7

PAWEL CAPALA,

Debtor.

Case No. 15-B-42763 (NHL)

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**DEBTOR'S STATEMENT OF NON-OBJECTION/ SUPPORT TO  
JENNIFER CAPALA'S MOTION TO DISMISS CASE.**

PAWEL CAPALA ("Debtor"), debtor herein, by his undersigned attorneys, The Law Offices of Gabriel Del Virginia, for his Statement of Nonobjection/Support to Jennifer Capala's Motion to Dismiss Case [*ECF* # 60; with *ECF* #65 "Dismissal Motion"], and says:

1. Debtor has reviewed the Dismissal Motion and related submissions of his ex-wife, Mrs. Jennifer Capala ("Jennifer").

2. Debtor is of the opinion that the points raised by Jennifer in the Dismissal Motion have legal and factual merit, *viz* the filing was initially made in the improper district as the Debtor did not live in the District for 180 days prior to the

filing and had no assets or active businesses or business assets in the District in this period either and, accordingly, the case should be dismissed.

3. Importantly, the dismissal would not affect the right of creditors making up the creditor body in this estate to continue to prosecute their claims.

4. Debtor submits that he has been living within Columbia County since 2007; and has been working in Columbia County (when he can find work) since the demise of his business Capala Bros, Inc. (“CPI”) in 2014, when the business assets were seized by creditors.

5. Accordingly, at the time of the filing and for more than 180 days before that, the Debtor had no assets located in the Eastern District of New York whatsoever. The two companies listed on his schedules had no assets and did not conduct any business since the last of them, CPI, was shuttered in 2014.

6. Crystal Clear Development (“CCD”) was a company started by Jennifer and her mother to do a condominium development that never came to fruition. It is a paper company and had and has no assets or business in the Eastern District since prior to the Debtor’s divorce from Jennifer.

7. Debtor is cognizant of the material errors and omissions in his petition and schedules and states only that if he chooses to file again in a proper District that Debtor will endeavor to correct any omissions, misstatements and mis-information that presently exists in his petition and schedules, and to that end respectfully requests that if the Court is inclined to grant the dismissal here that it do so without prejudice.

**WHEREFORE,** Debtor Pawel Capala, has no opposition to the entry of an order dismissing his Chapter 7 Bankruptcy Case together with all such other and further relief as the Court might find to be appropriate.

Dated: New York, New York  
April 15, 2018.

**LAW OFFICES OF GABRIEL DEL VIRGINIA**  
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*Mr. Pawel Capala.*

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